United Nations CERD/C/JPN/Q/7-9

International Convention on the Elimination of All Forms of Racial Discrimination

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Item 4 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined seventh to ninth periodic reports of Japan (CERD/C/JPN/7-9)

Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

1. The Convention in domestic law, institutional and policy framework for its implementation (arts. 2, 4, 6 and 7)

(a) Progress in adopting a specific anti-discrimination law (CERD/C/JPN/CO/3-6, para. 9) that includes a definition of racial discrimination in line with all the grounds set out in article 1 of the Convention (CERD/C/JPN/CO/3-6, para. 8); and progress in establishing a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (CERD/C/JPN/7-9, para. 67 and CERD/C/JPN/CO/3-6, para. 12);

(b) Progress made on the enactment of a law that explicitly and specifically prohibits racist and xenophobic attitudes (CERD/C/JPN/CO/3-6, para. 14); and information on the enforcement of the Broadcast Act and the Provider Liability Limitation Act in cases concerning acts of xenophobia and racial discrimination, including on the Internet (CERD/C/JPN/7-9, paras. 87–90);

(c) Additional information on complaints, prosecutions and decisions by domestic courts regarding acts of racial discrimination, including acts of dissemination and propaganda of racist ideas and hate speech, and on reparation provided to victims (CERD/C/JPN/CO/3-6, para. 13 and CERD/C/JPN/7-9, para. 140); and the effectiveness of

guarantees of access to judicial and non-judicial remedies to counter acts of racial discrimination (CERD/C/JPN/CO/3-6, paras. 13 and 14 and CERD/C/JPN/7-9, paras. 141–155);

(d) Information on the impact of training and awareness-raising programmes provided by the State party for civil servants, police officers, public prosecutors, correctional officers, judges, other public officers and teachers aimed at combating racial discrimination (CERD/C/JPN/7-9, paras. 68–80 and HRI/CORE/JPN/2012, paras. 174–187); an update on the implementation of the Project to Promote Research on Human Rights Education carried out by the State party and its impact on racial discrimination (CERD/C/JPN/7-9, paras. 169–171); and information on human rights education, the role of the media, and efforts to counter biased and racist comments in the media (CERD/C/JPN/CO/3-6, para. 26).

2. Situation of minorities and indigenous peoples (arts. 2–7)

(a) Burakumin peoples: progress made to address effectively discrimination regarding access to employment, housing, land and education; and an update on the enactment of a law on human rights protection, as agreed with the Burakumin organizations, and the creation of a public authority to deal with Burakumin issues (CERD/C/JPN/CO/3-6, para. 19);

(b) Ruykyu/Okinawa peoples: specific measures taken to foster the enjoyment of the economic, social and cultural rights of the Ruykyu/Okinawa peoples (CERD/C/JPN/CO/3-6, para. 21); and information on the impact of the implementation of the Okinawa Promotion Plan on the situation of the Okinawa peoples (CERD/C/JPN/CO/3-6/Add.1, paras. 11–13);

(c) Ainu people: specific plans and action taken to counter racial discrimination and improve the living conditions of the Ainu people, including access to education for Ainu children, and to promote public understanding of the history and culture of the Ainu people (CERD/C/JPN/CO/3-6, paras. 20 and 22 and CERD/C/JPN/7-9, paras. 15–22).

3. Discrimination against non-citizens, including migrants, refugees and asylum seekers (arts. 5 and 7)

(a) Migrants: progress on adopting a comprehensive immigration policy; measures to counter discriminatory acts and xenophobic discourse against migrants, in particular Korean and Chinese migrants; measures to address discrimination in access to housing and employment, including for migrant women; information on the effective application of labour and housing legislation (CERD/C/JPN/7-9, para. 118); progress in facilitating access by migrant children to Japanese education; an update on conditions for the accreditation of foreign schools, in particular Korean and Chinese schools (CERD/C/JPN/CO/3-6, para. 22); measures to combat discrimination against migrants and indigenous peoples in terms of access to places and services, such as restaurants, family public bath houses, stores and hotels (CERD/C/JPN/CO/3-6, para. 24); and measures to prevent human trafficking, protect the rights of victims of human trafficking and provide them with adequate assistance (A/HRC/WG.6/14/JPN/3, para. 35);

(b) Refugees and asylum seekers: measures to address the systematic and lengthy detention of migrants and asylum seekers; steps to prevent discrimination related to standards applied to asylum procedures (CERD/C/JPN/CO/3-6, para. 23 and CERD/C/JPN/7-9, para. 55); steps to remedy inadequate detention conditions for asylum seekers; and measures to prevent the excessive use of force during deportations.